

Madam Speaker, I thank the students of Riverside High School for coming up with this wonderful idea and for not giving up on their dream. They have waited nearly 6 years since the original introduction of this bill until today, and I ask my colleagues to join me in supporting H.R. 1804.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1804.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HAWAII WATER RESOURCES ACT OF 2000

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1694) to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, as amended.

The Clerk read as follows:

S. 1694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—HAWAII WATER RESOURCES STUDY

SEC. 101. SHORT TITLE.

This title may be cited as the "Hawaii Water Resources Act of 2000".

SEC. 102. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Hawaii.

SEC. 103. HAWAII WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation and in accordance with the provisions of this title and existing legislative authorities as may be pertinent to the provisions of this title, including: the Act of August 23, 1954 (68 Stat. 773, chapter 838), authorizing the Secretary to investigate the use of irrigation and reclamation resource needs for areas of the islands of Oahu, Hawaii, and Molokai in the State of Hawaii; section 31 of the Hawaii Omnibus Act (43 U.S.C. 422) authorizing the Secretary to develop reclamation projects in the State under the Act of August 6, 1956 (70 Stat. 1044, chapter 972; 42 U.S.C. 422a et seq.) (commonly known as the "Small Reclamation Projects Act"); and the amendment made by section 207 of the Hawaiian Home Lands Recovery Act (109 Stat. 364; 25 U.S.C. 386a) authorizing the Secretary to assess charges against Native Hawaiians for reclamation cost recovery in the same manner as charges are assessed against Indians or Indian tribes; is authorized and directed to conduct a study that includes—

(1) a survey of the irrigation and other agricultural water delivery systems in the State;

(2) an estimation of the cost of repair and rehabilitation of the irrigation and other agricultural water delivery systems;

(3) an evaluation of options and alternatives for future use of the irrigation and

other agricultural water delivery systems (including alternatives that would improve the use and conservation of water resources and would contribute to agricultural diversification, economic development, and improvements to environmental quality); and

(4) the identification and investigation of opportunities for recycling, reclamation, and reuse of water and wastewater for agricultural and nonagricultural purposes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after appropriation of funds authorized by this title, the Secretary shall submit a report that describes the findings and recommendations of the study described in subsection (a) to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Resources of the House of Representatives.

(2) ADDITIONAL REPORTS.—The Secretary shall submit to the committees described in paragraph (1) any additional reports concerning the study described in subsection (a) that the Secretary considers to be necessary.

(c) COST SHARING.—Costs of conducting the study and preparing the reports described in subsections (a) and (b) of this section shall be shared between the Secretary and the State. The Federal share of the costs of the study and reports shall not exceed 50 percent of the total cost, and shall be nonreimbursable. The Secretary shall enter into a written agreement with the State, describing the arrangements for payment of the non-Federal share.

(d) USE OF OUTSIDE CONTRACTORS.—The Secretary is authorized to employ the services and expertise of the State and/or the services and expertise of a private consultant employed under contract with the State to conduct the study and prepare the reports described in this section if the State requests such an arrangement and if it can be demonstrated to the satisfaction of the Secretary that such an arrangement will result in the satisfactory completion of the work authorized by this section in a timely manner and at a reduced cost.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$300,000 for the Federal share of the activities authorized under this title.

SEC. 104. WATER RECLAMATION AND REUSE.

(a) Section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) is amended by inserting before the period at the end the following: ", and the State of Hawaii".

(b) The Secretary is authorized to use the authorities available pursuant to section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) to conduct the relevant portion of the study and preparation of the reports authorized by this title if the use of such authorities is found by the Secretary to be appropriate and cost-effective, and provided that the total Federal share of costs for the study and reports does not exceed the amount authorized in section 103.

TITLE II—DROUGHT RELIEF

SEC. 201. DROUGHT RELIEF.

(a) RELIEF FOR HAWAII.—Section 104 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214) is amended—

(1) in subsection (a), by inserting after "Reclamation State" the following: "and in the State of Hawaii"; and

(2) in subsection (c), by striking "ten years after the date of enactment of this Act" and inserting "on September 30, 2005".

(b) ASSISTANCE FOR DROUGHT-RELATED PLANNING IN RECLAMATION STATES.—Such Act is further amended by adding at the end of title I the following:

"SEC. 105. ASSISTANCE FOR DROUGHT-RELATED PLANNING IN RECLAMATION STATES.

"(a) IN GENERAL.—The Secretary may provide financial assistance in the form of cooperative agreements in States that are eligible to receive drought assistance under this title to promote the development of drought contingency plans under title II.

"(b) REPORT.—Not later than one year after the date of the enactment of the Hawaii Water Resources Act of 2000, the Secretary shall submit to the Congress a report and recommendations on the advisability of providing financial assistance for the development of drought contingency plans in all entities that are eligible to receive assistance under title II."

TITLE III—CITY OF ROSEVILLE PUMPING PLANT FACILITIES

SEC. 301. CITY OF ROSEVILLE PUMPING PLANT FACILITIES: CREDIT FOR INSTALLATION OF ADDITIONAL PUMPING PLANT FACILITIES IN ACCORDANCE WITH AGREEMENT.

(a) IN GENERAL.—The Secretary shall credit an amount up to \$1,164,600, the precise amount to be determined by the Secretary through a cost allocation, to the unpaid capital obligation of the City of Roseville, California (in this section referred to as the "City"), as such obligation is calculated in accordance with applicable Federal reclamation law and Central Valley Project rate setting policy, in recognition of future benefits to be accrued by the United States as a result of the City's purchase and funding of the installation of additional pumping plant facilities in accordance with a letter of agreement with the United States numbered 5-07-20-X0331 and dated January 26, 1995. The Secretary shall simultaneously add an equivalent amount of costs to the capital costs of the Central Valley Project, and such added costs shall be reimbursed in accordance with reclamation law and policy.

(b) EFFECTIVE DATE.—The credit under subsection (a) shall take effect upon the date on which—

(1) the City and the Secretary have agreed that the installation of the facilities referred to in subsection (a) has been completed in accordance with the terms and conditions of the letter of agreement referred to in subsection (a); and

(2) the Secretary has issued a determination that such facilities are fully operative as intended.

TITLE IV—CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE

SEC. 401. SHORT TITLE.

This title may be cited as the "Clear Creek Distribution System Conveyance Act".

SEC. 402. DEFINITIONS.

For purposes of this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) DISTRICT.—The term "District" means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) AGREEMENT.—The term "Agreement" means Agreement No. 8-07-20-L6975 entitled "Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District".

(4) DISTRIBUTION SYSTEM.—The term "Distribution System" means all the right, title, and interest in and to the Clear Creek distribution system as defined in the Agreement.

SEC. 403. CONVEYANCE OF DISTRIBUTION SYSTEM.

In consideration of the District accepting the obligations of the Federal Government

for the Distribution System, the Secretary shall convey the Distribution System to the District pursuant to the terms and conditions set forth in the Agreement.

SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.

Nothing in this title shall be construed to authorize the District to construct any new facilities or to expand or otherwise change the use or operation of the Distribution System from its authorized purposes based upon historic and current use and operation. Effective upon transfer, if the District proposes to alter the use or operation of the Distribution System, then the District shall comply with all applicable laws and regulations governing such changes at that time.

SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

Conveyance of the Distribution System under this title—

(1) shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14-06-200-489-IR3), as it may be amended or supplemented; and

(2) shall not deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or to renewal by entering into a long-term water service contract.

SEC. 406. LIABILITY.

Effective on the date of conveyance of the Distribution System under this title, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

TITLE V—SUGAR PINE DAM AND RESERVOIR CONVEYANCE

SEC. 501. SHORT TITLE.

This title may be cited as the "Sugar Pine Dam and Reservoir Conveyance Act".

SEC. 502. DEFINITIONS.

In this title:

(1) BUREAU.—The term "Bureau" means the Bureau of Reclamation.

(2) DISTRICT.—The term "District" means the Foresthill Public Utility District, a political subdivision of the State of California.

(3) PROJECT.—The term "Project" means the improvements (and associated interests) authorized in the Foresthill Divide Subunit of the Auburn-Folsom South Unit, Central Valley Project, consisting of—

(A) Sugar Pine Dam;

(B) the right to impound waters behind the dam;

(C) the associated conveyance system, holding reservoir, and treatment plant;

(D) water rights;

(E) rights of the Bureau described in the agreement of June 11, 1985, with the Supervisor of Tahoe National Forest, California; and

(F) other associated interests owned and held by the United States and authorized as part of the Auburn-Folsom South Unit under Public Law 89-161 (79 Stat. 615).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) WATER SERVICES CONTRACT.—The term "Water Services Contract" means Water Services Contract #14-06-200-3684A, dated February 13, 1978, between the District and the United States.

SEC. 503. CONVEYANCE OF THE PROJECT.

(a) IN GENERAL.—As soon as practicable after date of enactment of this Act and in accordance with all applicable law, the Secretary shall convey all right, title, and interest in and to the Project to the District.

(b) SALE PRICE.—Except as provided in subsection (c), on payment by the District to the Secretary of \$2,772,221—

(1) the District shall be relieved of all payment obligations relating to the Project; and

(2) all debt under the Water Services Contract shall be extinguished.

(c) MITIGATION AND RESTORATION PAYMENTS.—The District shall continue to be obligated to make payments under section 3407(c) of the Central Valley Project Improvement Act (106 Stat. 4726) through 2029.

SEC. 504. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this title significantly expands or otherwise affects the use or operation of the Project from its current use and operation.

(b) RIGHT TO OCCUPY AND FLOOD.—On the date of the conveyance under section 503, the Chief of the Forest Service shall grant the District the right to occupy and flood portions of land in Tahoe National Forest, subject to the terms and conditions stated in an agreement between the District and the Supervisor of the Tahoe National Forest.

(c) CHANGES IN USE OR OPERATION.—If the District changes the use or operation of the Project, the District shall comply with all applicable laws (including regulations) governing the change at the time of the change.

SEC. 505. FUTURE BENEFITS.

On payment of the amount under section 503(b)—

(1) the Project shall no longer be a Federal reclamation project or a unit of the Central Valley Project; and

(2) the District shall not be entitled to receive any further reclamation benefits.

SEC. 506. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance under section 503, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the Project.

SEC. 507. COSTS.

To the extent that costs associated with the Project are included as a reimbursable cost of the Central Valley Project, the Secretary is directed to exclude all costs in excess of the amount of costs repaid by the District from the pooled reimbursable costs of the Central Valley Project until such time as the Project has been operationally integrated into the water supply of the Central Valley Project. Such excess costs may not be included into the pooled reimbursable costs of the Central Valley Project in the future unless a court of competent jurisdiction determines that operation integration is not a prerequisite to the inclusion of such costs pursuant to Public Law 89-161.

TITLE VI—COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Colusa Basin Watershed Integrated Resources Management Act".

SEC. 602. AUTHORIZATION OF ASSISTANCE.

The Secretary of the Interior (in this title referred to as the "Secretary"), acting within existing budgetary authority, may provide financial assistance to the Colusa Basin Drainage District, California (in this title referred to as the "District"), for use by the District or by local agencies acting pursuant to section 413 of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399) as in effect on the date of the enactment of this Act (in this title referred to as the "State statute"), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) to reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

SEC. 603. PROJECT SELECTION.

(a) ELIGIBLE PROJECTS.—A project shall be an eligible project for purposes of section 602 only if it is—

(1) consistent with the plan for flood protection and integrated resources management described in the document entitled "Draft Programmatic Environmental Impact Statement/Environmental Impact Report and Draft Program Financing Plan, Integrated Resources Management Program for Flood Control in the Colusa Basin", dated May 2000; and

(2) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(b) COMPATIBILITY REQUIREMENT.—The Secretary shall ensure that projects for which assistance is provided under this title are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

SEC. 604. COST SHARING.

(a) NON-FEDERAL SHARE.—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(1) 25 percent of the costs associated with construction of any project carried out with assistance provided under this title;

(2) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project; and

(3) 35 percent of the costs associated with planning, design, and environmental compliance activities.

(b) PLANNING, DESIGN, AND COMPLIANCE ASSISTANCE.—Funds appropriated pursuant to this title may be made available to fund 65 percent of costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(c) TREATMENT OF CONTRIBUTIONS.—For purposes of this section, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

SEC. 605. COSTS NONREIMBURSABLE.

Amounts expended pursuant to this title shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

SEC. 606. AGREEMENTS.

Funds appropriated pursuant to this title may be made available to the District or a local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by section 604(a); and

(2) governing the funding of planning, design, and compliance activities costs under section 604(b).

SEC. 607. REIMBURSEMENT.

For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a

local agency acting pursuant to the State statute in section 602 before the date amounts are provided for the project under this title, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under section 604.

SEC. 608. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this title.

(b) SUBCONTRACTING.—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

SEC. 609. RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.

Activities carried out, and financial assistance provided, under this title shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

SEC. 610. APPROPRIATIONS AUTHORIZED.

Within existing budgetary authority and subject to the availability of appropriations, the Secretary is authorized to expend up to \$25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes to carry out this title. Sums appropriated under this section shall remain available until expended.

TITLE VII—CONVEYANCE TO YUMA PORT AUTHORITY

SEC. 701. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1-4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292-303-3624, 1292-303-3625, and 1292-303-3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of 1/16 of all gas, oil, metals, and mineral rights.

(10) A reservation of 1/16 of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests

conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—

(1) 60-FOOT BORDER STRIP.—The term "60-foot border strip" means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term "Greater Yuma Port Authority" means Trust No. 84-184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE VIII—DICKINSON DAM BASCULE GATES SETTLEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "Dickinson Dam Bascule Gates Settlement Act of 2000".

SEC. 802. FINDINGS.

The Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than \$1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has

been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 803. DEFINITIONS.

In this title:

(1) **BASCULE GATES.**—The term “bascul gates” means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) **CITY.**—The term “City” means the city of Dickinson, North Dakota.

(3) **DAM.**—The term “Dam” means Dickinson Dam on the Heart River, North Dakota.

(4) **LAKE.**—The term “Lake” means the reservoir known as “Patterson Lake” in the State of North Dakota.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 804. FORGIVENESS OF DEBT.

(a) **IN GENERAL.**—The Secretary shall accept a 1-time payment of \$300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9-07-60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) **OWNERSHIP.**—Title to the Dam and bascul gates shall remain with the United States.

(c) **COSTS.**—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the bascul gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the bascul gates, up to a maximum annual cost of \$15,000. The Secretary shall be responsible for all other costs.

(d) **WATER SERVICE CONTRACTS.**—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1694 would amend title 16 of the Reclamation Wastewater and Groundwater Study and Facilities Act to include Hawaii as one of the States eligible to participate in the Bureau of Reclamation's title 16 program to help alleviate some of the economic stresses facing rural Hawaii as a result of the decline in sugar production. In the past decade, acreage of production has declined from 180,000 acres of cane in 1989 to 60,000 acres today.

In addition, the bill provides for drought planning in States that are eligible under the Reclamation States Emergency Drought Relief Act and re-

imbursed by the Bureau of Reclamation for pumping facilities advanced by the City of Roseville, California, land and facility transfers in California and Arizona, approval of a program for water management in Colusa, California, and a correction concerning debt recovery for a Bureau of Reclamation project in North Dakota.

I urge the adoption of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1694, as amended, includes important provisions that affect programs and water management activities under the jurisdiction of the Bureau of Reclamation. Most of these provisions have previously been considered by the 106th Congress, and none of them are controversial.

Section 507 of S. 1694, as amended, addresses the issue of how the costs of the Sugar Pine Unit of the Central Valley Project are to be accounted for.

A guiding principle of my approach to Reclamation law has been that the beneficiaries of a project or program should bear their fair share of costs. Generally, this equitable concept that meant increasing the costs or repayment obligations of project beneficiaries so that they bear a fair share for the public benefits received. In the case of the Sugar Pine transfer being considered here, Section 507 of the measure relies on the same principle, but for the opposite purpose of relieving numerous Central Valley contractors, both municipal/industrial and agricultural, from project cost allocations where they received no benefits whatever. In short, the authorization for Sugar Pine Dam and Reservoir in 1965 (P.L. 89-161) specifically directed that the project be integrated, both operationally and financially, into the Central Valley Project. As a factual matter, operational integration never occurred, yet the costs of Sugar Pine have nonetheless been included in the pooled costs of the CVP, to be recovered from all CVP contractors through cost of service rates for water which are now in the process of being implemented. My remarks here are intended to clarify the intent and meaning of Section 507 of the Sugar Pine transfer legislation, which relieves CVP contractors of this inequitable financial obligation until operational integration occurs.

Section 507 reflects the recognition of Congress that the Sugar Pine Project is not integrated operationally into the CVP, as well as the principal that there was and is no authority, in the 1965 authorization of Sugar Pine or elsewhere, for these project costs to be included in the pooled reimbursable costs of the CVP in the absence of operational integration. The exclusion of “all costs” by Section 507 is meant to ensure that not only principal, but also interest charges on unpaid principle, are excluded from pooled reimbursable costs. This is intended to be consistent with the treatment provided in similar legislation related to the Sly Park Unit of the CVP, which was passed recently by the Congress in the Energy and Water appropriations bill soon to be signed by the President. The Sly Park provision was drafted in the other body, but the Sly Park lan-

guage addressed similar facts and had the same purpose as the Sugar Pine bill. Both involve transfers of project ownership for small California Bureau of Reclamation projects which originally were directed to be integrated into the CVP but never were, and both provide for the exclusion of costs which were improperly included in the obligations of CVP contractors even though the project was never operationally integrated into the CVP. With respect to the costs to be excluded, the Sly Park bill terms them “non-reimbursable and non-returnable,” the same result which is intended here.

Mr. ABERCROMBIE. Madam Speaker, I support S. 1694, the Hawaii Water Resources Development Act and urge its passage.

The legislation authorizes the Bureau of Reclamation to undertake a study of the reclamation and reuse of water and wastewater in Hawaii. The Bureau is to survey irrigation and water delivery systems, identifying the costs of rehabilitating systems and evaluating future water demand.

Much of Hawaii is experiencing a major drought. Sugar, long the dominant agricultural product of Hawaii, is rapidly ending as a viable commercial enterprise, freeing vast quantities of water previously devoted to irrigation. Both factors result in the need to determine prudent use of existing water resources to meet future demands.

In the last 10 years, 96 sugar farms and plantations have closed and only two substantial plantations remain in commercial production. Over 130,000 of 180,000 acres previously in sugar cane production is now idle. Although economic dislocations have resulted, it also affords Hawaii the first opportunity in more than a century to diversify the agricultural sector of our economy. Diversified agriculture is now growing at 5.5% annual rate, surpassing \$300 million in value. Vast tracts of some of the most productive land in the world, however, remain empty and idle. The availability of water will be a key factor in determining how these lands will be used for generations to come.

The present water resources transportation and irrigation systems began in 1856 and now involve some of the most extensive and hydraulically complex systems in the world, involving tunnels blasted through mountains, open ditches, syphons and channels carrying water from the wetter sides of the islands to the interior and leeward sides for irrigation. Because of declining use, these facilities, engineering marvels of their time, are falling into disrepair. There may also be opportunities to restore traditional watersheds. But in all cases, it is essential that a comprehensive study be undertaken to assess our current needs and resources before these crucial decisions are made. Under all existing and projected scenarios, water usage will remain high.

Many see Hawaii as a lush paradise filled with unique sights and recreational opportunities. It certainly is all of those, but it would be fewer of those things without water, which is not abundant in many parts of the islands. Prior to 1856, what is now some of the most fertile and productive land in the world was arid due to the geological characteristics of the Hawaiian Islands whereby most of the rain falls in the mountain ranges and windward sides, leaving the interior and leeward sides often sparse in rainfall.

S. 1694, initiated by Senator Akaka, authorizes an important study, focusing on opportunities for water reuse, recycling, reclamation and conservation of water and wastewater for agriculture and non-agriculture uses.

It is essential to the future of generations to come to Hawaii that wise decisions on water conservation and allocation be made. Enactment of S. 1694 is a major step in that direction and I urge passage of the bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1694, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "A bill to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes."

A motion to reconsider was laid on the table.

ALA KAHAKAI NATIONAL HISTORIC TRAIL ACT

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 700) to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

The Clerk read as follows:

S. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ala Kahakai National Historic Trail Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Ala Kahakai (Trail by the Sea) is an important part of the ancient trail known as the "Ala Loa" (the long trail), which circumscribes the island of Hawaii;

(2) the Ala Loa was the major land route connecting 600 or more communities of the island kingdom of Hawaii from 1400 to 1700;

(3) the trail is associated with many prehistoric and historic housing areas of the island of Hawaii, nearly all the royal centers, and most of the major temples of the island;

(4) the use of the Ala Loa is also associated with many rulers of the kingdom of Hawaii, with battlefields and the movement of armies during their reigns, and with annual taxation;

(5) the use of the trail played a significant part in events that affected Hawaiian history and culture, including—

(A) Captain Cook's landing and subsequent death in 1779;

(B) Kamehameha I's rise to power and consolidation of the Hawaiian Islands under monarchical rule; and

(C) the death of Kamehameha in 1819, followed by the overthrow of the ancient religious system, the Kapu, and the arrival of the first western missionaries in 1820; and

(6) the trail—

(A) was used throughout the 19th and 20th centuries and continues in use today; and

(B) contains a variety of significant cultural and natural resources.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(21) ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from 'Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as 'Waha'ula', as generally depicted on the map entitled 'Ala Kahakai Trail', contained in the report prepared pursuant to subsection (b) entitled 'Ala Kahakai National Trail Study and Environmental Impact Statement', dated January 1998.

"(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) PUBLIC PARTICIPATION; CONSULTATION.—The Secretary of the Interior shall—

"(i) encourage communities and owners of land along the trail, native Hawaiians, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

"(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 700, is to amend the National Trail System to designate the Ala Kahakai Trail as a national historic trail. This trail, known in English as The Trail by the Sea, is part of an important national trail used by the native Hawaiians. It is associated with numerous prehistoric areas and played a significant part in Hawaiian history, including the landing of Captain Cook. This bill will provide a necessary recreational resource to the State of Hawaii, and I urge my colleagues to support S. 700.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 700 completes an important designation. We join the ad-

ministration in supporting the passage of this measure introduced by Senator AKAKA and the Hawaii delegation.

Madam Speaker, I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 700.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1999

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 938) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

The Clerk read as follows:

S. 938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Volcanoes National Park Adjustment Act of 1999".

SEC. 2. ELIMINATION OF RESTRICTIONS ON LAND ACQUISITION.

The first section of the Act entitled "An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes", approved June 20, 1938 (16 U.S.C. 391b), is amended by striking "park: Provided," and all that follows and inserting "park. Land (including the land depicted on the map entitled 'NPS-PAC 1997HW') may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds."

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAII VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87-278 (75 Stat. 577) is amended by striking "Hawaii Volcanoes National Park" each place it appears and inserting "Hawai'i Volcanoes National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Hawaii Volcanoes National Park" shall be considered a reference to "Hawai'i Volcanoes National Park".

(b) HALEAKALA NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86-744 (74 Stat. 881) is amended by striking "Haleakala National Park" and inserting "Haleakala National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Haleakala National Park" shall be considered a reference to "Haleakala National Park".

(c) KALOKO-HONOKOHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking "KALOKO-HONOKOHAU" and inserting "KALOKO-HONOKOHAU"; and

(B) by striking "Kaloko-Honokohau" each place it appears and inserting "Kaloko-Honokohau".